APPENDIX D

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

KENNETH F. BONNY, FRANCESCA B. BONNY and ROBERT D. FLESVIG,

Plaintiffs,

v.

THE SOCIETY OF LLOYD'S, HARRIS BANK GLENCOE-NORTHBROOK, N.A., HARRIS TRUST AND SAVINGS BANK, BANK OF MONTREAL, NORTHFIELD VENTURE, INC., ROBERT B. KING, ALAN J. HUNKEN, LIME STREET UNDERWRITING AGENCIES LTD., ROBIN C. KINGSLEY, ROBERT C. HALLAM, PATRICK M. CORBETT, and BANKSIDE UNDERWRITING AGENCIES LTD.,

Defendants.

No. 91 C 5525
Honorable
Charles R. Norgle

ORDER

Before the court are the objections of plaintiffs Kenneth F. Bonny, Francesca B. Bonny and Robert D. Flesvig to Magistrate Judge Gottschall's April 20, 1992 report and recommendation that plaintiffs' amended complaint be dismissed. For reasons that follow, the report and recommendation (attached as Appendix A) is adopted and the plaintiffs' amended complaint is dismissed.

The defendants' motion to dismiss the amended complaint was referred to Magistrate Judge Gottschall pursuant to 28 U.S.C. § 636(b)(1)(B). The plaintiffs filed objections on May 4, 1992 to the Magistrate Judge's report and recommendation. Defendants Lime Street Underwriting Agencies, Ltd., Robin C. Kingsley, Robert C. Hallam, Patrick Corbett, and Bankside Underwriting Agencies, Ltd. filed a response on May 15, 1992 to the plaintiffs' objections.

Upon a magistrate judge's submission of a report and recommendation on a motion to dismiss, and the timely filing objections by a party to the proceeding, the district court must make a *de novo* determination based upon the record and may accept, reject or modify the recommended disposition. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). The court has reviewed the report and recommendation, and finds that it accurately interpreted this court's prior opinion denying the plaintiff's request for a preliminary injunction. *Bonny v. Society of Lloyd's*, 784 F.Supp. 1350 (N.D. Ill. 1992). The report and recommendation is also well-supported by the record and the applicable law. Accordingly, the report and recommendation is adopted and the defendants' motion to dismiss the amended complaint is granted.

IT IS SO ORDERED.

ENTER:

CHARLES R. NORGLE

CHARLES RONALD NORGLE, SR., Judge
United States District Court

DATED: 5/29/92